

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:98-00069

STEFAN L. MCCRAY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 7, 2012, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Stefan L. McCray, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a 26-month term of supervised release in this action on April 19, 2012, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on January 4, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed synthetic marijuana as evidenced by a positive urine specimen submitted by him on August 21, 2012; (2) that the defendant failed to abide by the special condition that he spend a period of six months at Transitions, Inc. inasmuch as he entered the program on July 27, 2012, and was terminated from the program on August 29, 2012, for rule violations, including drug use; and (3) that the defendant failed to abide by the special condition that he not use, purchase or possess alcohol inasmuch as on August 31, 2012, his blood alcohol content registered as .045 on a breath analysis test at which time he admitted to the probation officer that he had been drinking tequila the night before; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

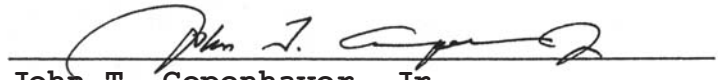
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be afforded substance abuse counseling and treatment and, if compatible with this recommendation, be designated to FPC Morgantown.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 8, 2012



John T. Copenhaver, Jr.
United States District Judge